

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SOCIETY OF THE HOLY  
TRANSFIGURATION MONASTERY,  
INCORPORATED,

Plaintiff,

v.

ARCHBISHOP GREGORY OF DENVER,  
COLORADO,

Defendant.

Civil action No. 07-12387RGS

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**SUPPLEMENTAL DECLARATION OF METROPOLITAN EPHRAIM IN SUPPORT  
OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

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During the years that I and others at the Monastery were working on the creation of the Monastery's English translation of the Collected Dismissal Hymns, I provided a photocopy of the work-in-progress to a select group of our Orthodox parishes, specifically some of our English-speaking Orthodox parishes, including St. Nectarios parish in Seattle, WA. Until that time, liturgies were primarily conducted in the native language of the congregants, for example, Greek or Russian. With the rise of more English-speaking congregations, there was a greater need for liturgies to be conducted in English, and a corresponding need for English translations of the important Orthodox liturgical texts. During this period, I sent a photocopy of the in-progress Collected Dismissal Hymns Work to a total of approximately 12 parishes. This was done in part to allow these parishes to conduct services in English using our translations and provide feedback that the Monastery could then use to determine whether style or syntax changes

should be made for purposes of creating a linguistically pleasing English-language liturgical text. I have reviewed the document introduced in this case under Deposition Exhibit 110, and it refers to the Monastery's Collected Dismissal Hymns Work. It reflects the fact that I remained in contact with this group with respect to revisions HTM was making to the in-progress translation of the Collected Dismissal Hymns Work and that I would occasionally send them errata to the translation showing what changes we had decided to make. The Monastery did not require the parishes to pay for the copy of the Dismissal Hymns they received from us. Additionally, I explicitly informed the recipients that the copy was for their own personal use and not to copy it or distribute or sell it to anyone else. It is possible that copies were made by these approximately 12 recipients, despite my instructions to the contrary, but if so it was done without the Monastery's knowledge or permission.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21<sup>st</sup> day of June 2010, at Brookline, Massachusetts.

  
Metropolitan Ephraim

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 21st day of June, 2010.

/s/ Amy L. Brosius

Amy L. Brosius